

# SENATE BILL REPORT

## HB 2763

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As Reported By Senate Committee On:  
Law & Justice, February 27, 1998

**Title:** An act relating to dependent persons.

**Brief Description:** Revising laws on dependent persons.

**Sponsors:** Representatives McDonald, Sheahan, Lantz and Costa; by request of Attorney General.

**Brief History:**

**Committee Activity:** Law & Justice: 2/25/98, 2/27/98 [DP].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Roach, Chair; Fairley, Hargrove, Kline, Long, McCaslin and Thibaudeau.

**Staff:** Harry Steinmetz (786-7421)

**Background:** A parent or person is guilty of the first-degree offense, a class B felony, if he or she recklessly causes great bodily harm to the child or dependent person by withholding any of the basic necessities of life. A parent or person is guilty of the second-degree offense, a class C felony, if he or she either recklessly creates an imminent and substantial risk of death or great bodily harm to the child or dependent person, or recklessly causes substantial bodily harm to the child or dependent person by withholding any of the basic necessities of life. "Basic necessities of life" means food, water, shelter, clothing, and medically necessary health care.

The crimes of first- and second-degree criminal mistreatment do not apply to situations under The Natural Death Act authorizing a person to execute a directive directing the withholding or withdrawal of life-sustaining treatment if the person is in a terminal condition or a permanent unconscious condition and other similar exceptions.

**Summary of Bill:** A new crime of criminal mistreatment in the third degree is created. A person commits criminal mistreatment in the third degree if the person is:

- the parent of a child;
- a person entrusted with the physical custody of a child or other dependent person; or
- is a person employed to provide to the child or dependent person the basic necessities of life, and the person, with criminal negligence, either:
  - a. creates an imminent and substantial risk of substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life; or

- b. causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

Criminal mistreatment in the third degree is a gross misdemeanor.

The exemptions that apply to first and second degree criminal mistreatment are amended to apply to criminal mistreatment in the third degree.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill holds people accountable when they have agreed to care for a person. It provides criminal penalties when a person fails to provide the basic necessities of life. Under the current law you must show recklessness to prosecute, this bill would create a new crime where you are required to show criminal neglect. The basic necessities of life are clearly defined in current statute. It would be a defense if you were financially unable to provide and had asked for help. Prosecutors would also have the discretion to decide if the person should be prosecuted.

**Testimony Against:** None.

**Testified:** PRO: Representative Suzette Cooke, prime sponsor; Melissa DeGroff, Assistant Attorney General; Betty Jankins, Washington Senior Lobby.